

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 LEROY HALL MCCOY,

5 Plaintiff,

6 v.

7 ASHLEY FERCH, et al.,

8 Defendants.
9

Case No. 2:18-cv-00956-MMD-CWH

REPORT AND RECOMMENDATION

10 On January 16, 2019, the court entered an order granting plaintiff Leroy Hall McCoy's
11 application to proceed *in forma pauperis* and dismissing the complaint with leave to amend.
12 (Order (ECF No. 9).) The court ordered plaintiff to file an amended complaint by February 15,
13 2019. (*Id.*) The court advised plaintiff that failure to comply with the order will result in a
14 recommendation that the case be dismissed. (*Id.*) To date, plaintiff has not filed an amended
15 complaint. Thus, it appears plaintiff has abandoned this case.

16 IT IS THEREFORE RECOMMENDED that plaintiff's case be DISMISSED without
17 prejudice.

18 **NOTICE**

19 This report and recommendation is submitted to the United States district judge assigned
20 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation
21 may file a written objection supported by points and authorities within fourteen days of being
22 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
23 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
24 1153, 1157 (9th Cir. 1991).

25 DATED: April 11, 2019

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28 C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE